

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of Carsten Horn et al

Docket No.A800.081

Art Unit: 1632

Serial No. 10/534,226

Examiner: V.E. Bertoglio

Filed: 05/06/2005

For: Systems for Gene Targeting and Producing Stable Genomic  
Transgene Insertions

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**PETITION FOR EXTENSION OF TIME**

Applicants hereby petition for a three month extension of time to respond to the Restriction Requirement with a mail date of October 3, 2007 thereby extending the period of response to February 3, 2008. Please charge the \$1050.00 fee to Deposit Account 50-2134.

**ELECTION WITH TRAVERSE**

Dear Sir:

In response to the requirement for restriction under 35 USC 121, with a mail date of October 3, 2007, Applicants hereby elect with traverse Group II, claims 11-22,24,35-46, and 48, "drawn to a method of targeting a heritable integration of a transgene within the genome of an invertebrate exchanging a DNA cassette comprising flanking transposon half sides and an internal transposon half side and the invertebrate organism" as

quoted from the above-referenced Restriction Requirement.

#### **TRAVERSE**

It is respectfully pointed out that, according to MPEP 803, in order for a restriction requirement to be proper, two criteria must be met:

- (1) the inventions must be independent or distinct as claimed, and
- (2) there must be a serious burden on the Examiner if restriction is not required.

In the instant application, it is believed that a search for a method for targeting a heritable integration of a transgene within the genome of an invertebrate using a DNA cassette comprising flanking transposon half sides and an internal transposon half side and the invertebrate, Group II claims, would encompass a search for a method of producing a heritable integration of a transgene within the genome of an invertebrate, using a DNA cassette comprising flanking transposon half sides and an internal transposon half side and the invertebrate. The Office states that Group III claims are

directed to a "vertebrate" but no where in any of the Group III claims is the word "vertebrate" used. Furthermore, the claims of Group III are also recited as part of Group I.

Furthermore, for Groups I-IV, the Office did not indicate that the four groups are classified differently. Furthermore, the claims recited in Group IV and also recited in Group II. Additional evidence that there is a lack of burden on the Office.

Therefore, there would be no serious burden on the Examiner to search for at least the method of Group II claims and the method of Group I and III claims which are directed to a method of producing and a method of targeting a heritable integration of a transgene within the genome of an invertebrate. Furthermore, it appears that all four groups fall under the same classification which indicates no serious burden to examine all four groups together. Finally at least Group II and IV and Groups I and III should be combined since Group IV and Group III claims are also recited in Groups I and II claims.

For this reason, it is respectfully requested that the Examiner reconsider the restriction requirement and examine the invention comprising groups I through IV.

In the event this paper is deemed not timely filed, the undersigned hereby petitions for an appropriate extension of time. Please charge any fees, which may be required by this paper or at any time during prosecution of the instant application, or credit any overpayment, to deposit account 50-2134.

Respectfully submitted,

January 29, 2008  
DATE

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